

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:92-cr-00155-W**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>ORDER</b>
	)	
<b>AMIL DINSIO and JAMES DINSIO,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

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THE MATTER is before the Court on the joint motion of Defendants Amil Dinsion and James Dinsio to “order their 3 years of supervised release declared served” (Doc. No. 8).<sup>1</sup> For the reasons stated herein, the Court DENIES Defendants’ motion.

Both Defendants have filed numerous motions and petitions with this Court, all of which have challenged their guilty plea and resulting sentences. The Court has yet to find merit in any of these motions and petitions. The motion presently before the Court is no different. Defendants first contend that as part of their Plea Agreements, they were promised a Rule 35 motion that would reduce by half whatever sentence was appropriate under the sentencing guidelines. Defendants also argue that the four-level sentence enhancement based upon the loss amount was unlawful.

. In reviewing Defendants’ arguments, the Court notes that Defendants cite no statute or basis of law for their contentions. In doing so, Defendants have failed to point to any provision that would authorize this Court, approximately fourteen (14) years after its Judgement became final, to make an inquiry into whether or not Defendants were entitled to a sentence reduction. Moreover,

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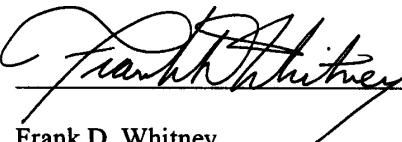
<sup>1</sup>Because Defendants jointly made the motion, the Court finds that one Order governing both Defendants is sufficient.

Defendants have, on multiple occasions, petitioned this Court and appealed to the Fourth Circuit Court of Appeals for relief from and/or correction of their sentence. None of these attempts have been successful. In the absence of a timely filed motion under an appropriate rule of law, or a mandate from the Fourth Circuit Court of Appeals, this Court simply does not have the authority or discretion to reopen its sentencing decisions.

IT IS HEREBY ORDERED that the joint motion of Defendants Amil Dinsio and James Dinsio to "order their 3 years of supervised relief declared served" (Doc. No. 8) is DENIED.

IT IS SO ORDERED.

Signed: November 28, 2007



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Frank D. Whitney  
United States District Judge

